

Filed Via EFS on November 9, 2007

Attorney Docket No. 10078-703.201

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/791,916 Confirmation No.: 3842
Applicant : Hugh R. Sharkey et al.
(pending correction of inventorship)
Filed : March 3, 2004
Art Unit : 3738
Examiner : UNASSIGNED
Title : **Inflatable Ventricular Partitioning Device**
Customer No. : 66854

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**SUPPLEMENTAL PETITION TO CORRECT
INVENTORSHIP UNDER 37 CFR 1.48**

Sir:

This petition is supplemental to the "Request for Correction of Inventorship in a Patent Application Under 37 CFR 1.48" submitted on June 27, 2006. The original petition request has not yet been acted upon. This supplemental petition provides the "Notice of Recordation of Assignment Document" with assignment and a new "Consent of Assignee to Amendment of the Inventorship Pursuant to 37 CFR 1.48."

The "Consent of Assignee to Amendment of the Inventorship Pursuant to 37 CFR 1.48" submitted on June 27, 2006 had the incorrect reel and frame number. Applicant respectfully submits the "Notice of Recordation of Assignment Document" with assignment with the correct reel and frame number.

Please amend the above referenced patent application to delete Hugh R. Sharkey.

Along with the Recordation and Assignment and revised "Consent of Assignee to Amendment of the Inventorship Pursuant to 37 CFR 1.48", we are re-submitting copies of the following documents which were previously submitted on June 27, 2006:

1. "Request for Correction Inventorship in a Patent Application Under 37 CFR 1.48";
2. "Statement from Each Person Being Deleted Pursuant to 37 CFR 1.48"; and
3. "Declaration submitted after Initial Filing."

Should the Examiner have any questions, the Examiner is encouraged to telephone the undersigned at (650)287-2167. If the Patent Office determines that a petition fee is due and/or other relief is required, Applicants petition for any required relief including the petition fee, and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 50-4050**, referencing 10078-703.201. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Date: November 9, 2007

By:



Richard D. Shoop
Registration No. 45,763

Shay Glenn LLP
2755 CAMPUS DRIVE, SUITE 210
SAN MATEO, CA 94403
TELEPHONE: 650.212.1700
FACSIMILE: 650.212.7562



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

JANUARY 15, 2005

EDWARD J. LYNCH
ONE MARKET
SPEAR TOWER, SUITE 2000
SAN FRANCISCO, CA 94105

PTAS

RECEIVED



102797220A

JAN 21 2005

DOCKETED

JAN 31 2005

DUANE MORRIS

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT BY VB

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 07/19/2004

REEL/FRAME: 015575/0159
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

SHARKEY, HUGH R.

DOC DATE: 03/24/2004

ASSIGNOR:

KHAIRKHAHAN, ALEXANDER

DOC DATE: 03/24/2004

ASSIGNEE:

CARDIOKINETIX, INC.
3698 HAVEN ROAD, SUITE B
REDWOOD CITY, CALIFORNIA 94063

SERIAL NUMBER: 10791916

FILING DATE: 03/03/2004

PATENT NUMBER:

ISSUE DATE:

TITLE: INFLATABLE VENTRICULAR PARTITIONING DEVICE

015575/0159 PAGE 2

HUONG TON, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

ASSIGNMENT

This Assignment is made by, Assignors, Hugh R. Sharkey of Redwood City, California, and Alexander Khairkhahan of Palo alto, California to CARDIOKINETIX, INC., Assignee, a Delaware Corporation, having a place of business at 3698 Haven Road, Suite B, Redwood City, California.

WHEREAS, Assignors have invented a new and useful INFLATABLE VENTRICULAR PARTITIONING DEVICE, for which an application for a United States Letters Patent was filed on March 3, 2004 and assigned Serial No. 10/791,916,

WHEREAS, Assignors believe themselves to be the original, first and joint inventors of the invention disclosed and claimed in said application for Letters Patent; and,

WHEREAS, Assignee desires to acquire the entire right, title and interest in and to said invention, said application and any Letters Patent that may be granted for said invention in the United States and throughout the world;

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignors hereby sell, assign and transfer to Assignee, the entire right, title and interest in and to said invention, said application and any Letters Patent that may be granted for said invention in the United States and throughout the world, including the right to file foreign applications directly in the name of the Assignee and to claim for any such foreign applications any priority rights to which such applications are entitled under international conventions, treaties or otherwise.

Further, Assignors agree that, upon request and without further compensation, but at no expense to Assignors, they and their legal representatives and assignees will do all lawful acts, including the execution of papers and the giving of testimony, that may be necessary or desirable for obtaining, sustaining, reissuing or enforcing Letters Patent in the United States and throughout the world for said invention, and for perfecting, recording or maintaining the title of Assignee, its

successors and assignees, to the interest assigned herein to said invention, said application and any Letters Patent granted for said invention in the United States and throughout the world.

Assignors represent and warrant that they have not granted and will not grant to others any rights inconsistent with the assignment herein.

Assignors authorize and request the Commissioner of Patents and Trademarks of the United States and of all foreign countries to issue any Letters Patent granted for said invention, whether on said application or on any subsequently filed division, continuation, continuation-in-part or reissue application, to Assignee, its successors and assigns, as the assignee of the entire interest in said invention.

IN WITNESS WHEREOF, Assignors have executed this Assignment on the dates written hereinbelow.

Assignors

24 MAR 04
Date

Hugh R. Sharkey
Hugh R. Sharkey

24 March 04
Date

Alexander Khairkhan
Alexander Khairkhan

Filed Via EFS on NOVEMBER 9,
2007

Attorney Docket No. 10078-703.201

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/791,916 Confirmation No.: 3842
Applicant : Hugh R. Sharkey et al.
(pending correction of inventorship)
Filed : March 3, 2004
Art Unit : 3738
Examiner : UNASSIGNED
Title : **Inflatable Ventricular Partitioning Device**
Customer No. : 66854

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

CONSENT OF ASSIGNEE TO AMENDMENT OF INVENTORSHIP
PURSUANT TO 37 CFR §1.48

CARDIOKINETIX, INC. states that it is:

- ☒ The assignee of the entire right, title and interest, or
- ☐ An assignee of less than the entire right, title and interest. The extent of ownership is %,

in the patent application identified above by virtue of either:

- ☒ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the U.S. Patent and Trademark Office at Reel 015575, Frame 0159, or for which a copy thereof is attached.

---OR---

- ☐ A chain of title from the inventor(s), of the patent application to the current assignee is as follows:

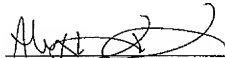
1. From: TO:
Recorded in the U.S. Patent and Trademark Office at Reel____,
Frame____, or for which a copy is attached.

☒ Copies of assignments or other documents in the chain of title are attached.

The undersigned is authorized to act on behalf of the Assignee.

The Assignee hereby assents to the Amendment of Inventorship requested in "Request for Correction of Inventorship in a Patent Application", in the above-referenced application, filed on June 27, 2006.

Date: 11-9-2007


By: Alex Khairkhahan
Title: Vice President Research & Development
CARDIOKINETIX, INC.

ASSIGNMENT

This Assignment is made by, Assignors, Hugh R. Sharkey of Redwood City, California, and Alexander Khairkhahan of Palo alto, California to CARDIOKINETIX, INC., Assignee, a Delaware Corporation, having a place of business at 3698 Haven Road, Suite B, Redwood City, California.

WHEREAS, Assignors have invented a new and useful INFLATABLE VENTRICULAR PARTITIONING DEVICE, for which an application for a United States Letters Patent was filed on March 3, 2004 and assigned Serial No. 10/791,916,

WHEREAS, Assignors believe themselves to be the original, first and joint inventors of the invention disclosed and claimed in said application for Letters Patent; and,

WHEREAS, Assignee desires to acquire the entire right, title and interest in and to said invention, said application and any Letters Patent that may be granted for said invention in the United States and throughout the world;

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignors hereby sell, assign and transfer to Assignee, the entire right, title and interest in and to said invention, said application and any Letters Patent that may be granted for said invention in the United States and throughout the world, including the right to file foreign applications directly in the name of the Assignee and to claim for any such foreign applications any priority rights to which such applications are entitled under international conventions, treaties or otherwise.

Further, Assignors agree that, upon request and without further compensation, but at no expense to Assignors, they and their legal representatives and assignees will do all lawful acts, including the execution of papers and the giving of testimony, that may be necessary or desirable for obtaining, sustaining, reissuing or enforcing Letters Patent in the United States and throughout the world for said invention, and for perfecting, recording or maintaining the title of Assignee, its

successors and assignees, to the interest assigned herein to said invention, said application and any Letters Patent granted for said invention in the United States and throughout the world.

Assignors represent and warrant that they have not granted and will not grant to others any rights inconsistent with the assignment herein.

Assignors authorize and request the Commissioner of Patents and Trademarks of the United States and of all foreign countries to issue any Letters Patent granted for said invention, whether on said application or on any subsequently filed division, continuation, continuation-in-part or reissue application, to Assignee, its successors and assigns, as the assignee of the entire interest in said invention.

IN WITNESS WHEREOF, Assignors have executed this Assignment on the dates written hereinbelow.

Assignors

24 MAR 04
Date

Hugh R. Sharkey
Hugh R. Sharkey

24 March 04
Date

Alexander Khairkhahan
Alexander Khairkhahan

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Alexander Khairkhahan (*as amended*)

Group Art Unit: 3738

Serial Number: 10/791,916

Examiner: Alvin J. Stewart

Filing Date: March 3, 2004

CONFIRMATION NO: 3842

Title: INFLATABLE VENTRICULAR
PARTITIONING DEVICE

ELECTRONICALLY FILED ON: JUNE 27, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

REQUEST FOR CORRECTION OF INVENTORSHIP
IN A PATENT APPLICATION
UNDER 37 CFR §1.48

Sir:

Applicant(s) hereby request(s) that the inventorship of the above-referenced patent application be amended pursuant to 37 C.F.R. §1.48 to name only the actual inventors.

☐ The Office is requested to amend the inventorship to **ADD** the following omitted inventor(s):

☒ The Office is requested to amend the inventorship to **DELETE** the following omitted inventor(s): Hugh R. Sharkey

This application is a nonprovisional patent application, other than a reissue application, pursuant to 35 U.S.C. § 116.

☒ **37 C.F.R. 1.48(a). Correction of inventorship for Nonprovisional application after the oath/declaration is filed.** The inventive entity was set forth in error in an executed oath or declaration under 37 C.F.R. § 1.63 in a nonprovisional application. This error arose without deceptive intent on the part of the person named as an inventor in error or on the part of the person who through error was not named as an inventor.

In support of this Request, Applicant(s) provide(s):

- ☒ (1) A statement from each person being added as an inventor and/or from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;
- ☒ (2) An oath or declaration by the actual inventor or inventors as required by 37 C.F.R. § 1.63, or as permitted by §§ 1.42, 1.43 or 1.47;
- ☒ (3) The processing fee set forth in 37 C.F.R. § 1.17(i); and
- ☒ (4) If an assignment has been executed by any of the original named inventors, the written consent of the assignee.

☐ **37 C.F.R. 1.48(b). Correction of inventorship for Nonprovisional application — fewer inventors due to amendment or cancellation of claims.** The correct inventors were named in the nonprovisional application and the prosecution of the nonprovisional application resulted in the amendment or cancellation of the claims so that fewer than all of the currently named inventors are the actual inventors of the invention being claims.

In support of this Request, Applicant(s) provide:

- ☐ (1) By signature of a party set forth in 37 C.F.R. § 1.33(b) to this Request for Correction of Inventorship, Applicant(s)' acknowledge that the inventor(s)' invention is no longer being claimed in this nonprovisional application; and
- ☐ (2) The processing fee set forth in 37 C.F.R. § 1.17(i).

☐ **37 C.F.R. 1.48(c). Correction of inventorship for Nonprovisional application — inventors added for claims to previously unclaimed subject matter.** The nonprovisional application discloses unclaimed subject matter by an inventor or inventors not named in the application.

In support of this Request, Applicant(s) provide(s):

- ☐ (1) A statement from each person being added as an inventor that the addition is necessitated by amendment of the claims and that the inventorship error occurred without deceptive intent on his or her part;
- ☐ (2) An oath or declaration by the actual inventors as required by 37 C.F.R. § 1.63, or as permitted by §§ 1.42, 1.43 or 1.47;
- ☐ (3) The processing fee set forth in 37 C.F.R. § 1.17(i); and
- ☐ (4) If an assignment has been executed by any of the original named inventors, the written consent of the assignee.

☐ **37 C.F.R. 1.48(f). Correction of inventorship for Nonprovisional application — filing executed oath/declaration corrects inventorship.** The correct inventors were not named on filing the nonprovisional application under 1.53(b) which was filed without an executed oath or declaration under 1.63.

In support of this Request, Applicant(s) provide(s):

- ☐ (1) An originally executed Declaration and Oath naming all the inventors.

☒ *Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of \$ 130 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 23-2415 (Docket No. 33108-703.201).

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

Dated: June 27, 2006

By: _____


Peggy Rader

Reg. No. 57,258

650 Page Mill Road
Palo Alto, CA 94304-1050
(650) 493-9300
Customer No. 021971

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Alexander Khairkhahan (*as amended*)

Group Art Unit: 3738

Serial Number: 10/791,916

Examiner: Alvin J. Stewart

Filing Date: March 3, 2004

CONFIRMATION NO: 3842

Title: INFLATABLE VENTRICULAR
PARTITIONING DEVICE

ELECTRONICALLY FILED ON: JUN 27, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

STATEMENT FROM EACH PERSON BEING DELETED
PURSUANT TO 37 CFR §1.48

I, Hugh R. Sharkey, declare as follows:

1. Upon review of the specification and claims presently pending in the above-referenced patent application, it is my belief that I am not an inventor of the claimed subject matter described in the pending patent application. The original declaration filed for the above-identified application included me as an inventor in error.

2. The error in inventorship occurred without deceptive intent on my part.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: 20 JUN 06

By: 

Hugh R. Sharkey
President & CEO
CardioKinetix Inc.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)

☐ Declaration Submitted With Initial Filing **OR** ☒ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.18(e) required))

Attorney Docket Number	33108-703.201
First Named Inventor	Alexander Khairkhan
COMPLETE IF KNOWN	
Application Number	10/791,916
Filing Date	March 3, 2004
Art Unit	3738
Examiner Name	Alvin J. Stewart

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

INFLATABLE VENTRICULAR PARTITIONING DEVICE

(Title of the Invention)

the specification of which

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY) 03/03/2004 as United States Application Number or PCT International

Application Number 10/791,916 and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

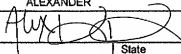
☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1458, Alexandria, VA 22313-1458.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

DECLARATION — Utility or Design Patent Application

Direct all correspondence to:		<input checked="" type="checkbox"/> Address associated with Customer Number	021971	OR <input type="checkbox"/> Correspondence address below	
Name					
Address					
Address					
City		State		ZIP	
Country		Telephone		Fax 650-493-6811	Email @wsqr.com
<p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p>					
NAME OF SOLE OR FIRST INVENTOR:				<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any]) ALEXANDER			Family Name or Surname KHAIRKHAHAN		
Inventor's Signature 				Date June 20, 2006	
Residence: City Palo Alto		State California		Country USA	
Mailing Address 1105 Lincoln Avenue					
City Palo Alto		State California		ZIP 94302	Country USA
NAME OF SECOND INVENTOR:				<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])			Family Name or Surname		
Inventor's Signature				Date	
Residence: City		State		Country	
Citizenship					
Mailing Address					
City		State		ZIP	
Country					
<input type="checkbox"/> Additional inventors or legal representative are being named on the _____ supplemental sheet(s) PTO/SB/02A or 02LR attached hereto:					